

# **CITY UTILITIES COMMITTEE**

## **MINUTES**

**NOVEMBER 15, 2011**

**9:30 A.M.**

The regularly scheduled meeting of the City Utilities Committee held on **Tuesday, November 15, 2011 at 9:42 a.m., in Committee Room #2.** The following members were present:

**The Honorable Natalyn M. Archibong, Chair**  
**The Honorable C. T. Martin**  
**The Honorable Yolanda Adrean**  
**The Honorable Howard Shook**  
**The Honorable Aaron Watson**  
**The Honorable Carla Smith**  
**The Honorable H. Lamar Willis, Vice-Chair**

Others present at the meeting were: Stephanie Grant, Michael Patrick McShane, Roger Bhandari and Renee Sheperd, Law Department; Commissioner Richard Mendoza and Michele Wynn, Department of Public Works; Acting Commissioner Jo Ann J. Macrina, Deputy Commissioners Angelo Veney, Rob Bush and Eric Glover, Department of Watershed Management; Mark Hurt, OEAM, Katrina Taylor, Office of the Mayor; members of the public, press and Council Staff.

Chairperson Archibong called the meeting to order at 9:42 a.m. after declaring a quorum present. She then proceeded with the following order of business.

- A.    ADOPTION OF AGENDA – ADOPTED AS AMENDED TO ADD ONE RESOLUTION**
- B.    APPROVAL OF MINUTES - APPROVAL**
- C.    UPDATE**
  - 1.    72 MARIETTA STREET MONTHLY REVIEW – OEAM, Mark Hunt**

**CONSENT**

**D. ORDINANCES FOR FIRST READING**

- 11-O-1631 ( 1) An Ordinance by City Utilities Committee authorizing the Chief Financial Officer to amend the FY 2012 (2009A Water & Wastewater Renewal and Extension Fund 5066) Budget, in the amount of \$1,000.000.00 to transfer funds from the Capital Projects Reserve (5066) for Appropriations and to add to appropriations funds for the Emergency Repairs at RM Clayton Cogeneration; and for other purposes.

**TO BE REFERRED TO CITY UTILITIES COMMITTEE**

- 11-O-1632 ( 2) An Ordinance by City Utilities Committee authorizing the Chief Financial Officer to amend the FY 2012 (Water & Wastewater Renewal and Extension Fund) (5052) Budget, in the amount of \$9,000.000.00 to transfer funds from the Water & Wastewater Renewal and Extension Fund Reserve for Appropriations and add to appropriations for the Supplemental Program Management Services Project; and for other purposes.

**TO BE REFERRED TO CITY UTILITIES COMMITTEE**

**REGULAR**

**E. COMMUNICATIONS**

- 11-C-1599 ( 1) A Communication by Councilmembers Carla Smith, District 1; Kwanza Hall, District 2 and Michael Bond, Post 1 At-Large appointing **Mr. Kenneth Katz** to serve as a member of the Water and Sewer Appeals Board in the layperson category, scheduled to begin on the date of Council confirmation.  
**(Councilmember Smith made motion to approve.)**

**FAVORABLE – REFERRED TO COMMITTEE ON COUNCIL**

- 11-C-1629 ( 2) A Communication by Councilmembers Keisha Lance Bottoms, District 11; Joyce M. Sheperd, District 12; and H. Lamar Willis, Post 2 At-Large appointing **Mr. Phenus Head, Jr.** to serve as a member of the Water and Sewer Appeals Board, scheduled to begin on the date of Council confirmation.

**(Councilmember Smith made motion to approve.)**

**FAVORABLE – REFERRED TO COMMITTEE ON COUNCIL**

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**F. ORDINANCES FOR SECOND READING**

- 11-O-1530 ( 1)     An Ordinance by City Utilities Committee authorizing the Chief Financial Officer to amend the FY 2012 Budget (DWM 1999 Water & Wastewater Bond Fund) (5056) Budget, in the amount of \$13,172.57 to transfer funds from Realigned, Postponed or Discontinued Projects to the Capital Projects Reserve for Appropriations; and for other purposes.  
**(Councilmember Smith made motion to approve.)**

**FAVORABLE**

- 11-O-1531 ( 2)     An Ordinance by City Utilities Committee authorizing the Chief Financial Officer to amend the FY 2012 Budget (DWM Water & Wastewater Renewal and Extension Fund) (5052) Budget, in the amount of \$9,800,000.00; to transfer funds from the Water & Wastewater Renewal and Extension Fund Reserve for Appropriations and add to appropriation for the Atlanta Streetcar Project; and for other purposes.  
**(Councilmember Martin made motion to approve.)**

**FAVORABLE (4 YEAS) MARTIN, ADREAN, SMITH (1 NAY) ARCHIBONG (1 ABSTENTION) SHOOK**

- 11-O-1685 ( 3)     An Ordinance by Councilmember Yolanda Adrean waiving any conflicting provisions of Article X, Division 14, Subsection III of the Atlanta City Code and authorizing the Mayor to execute appropriate documents conveying temporary construction easements to the Georgia Department of Transportation ("GDOT") to allow for GDOT's construction of a concrete path located on the Northside Drive Widening and Sidewalk Construction Project including improvements at Bobby Jones Golf Course and Springlake Park; and for other purposes.  
**(Councilmember Adrean made motion to approve.)**

**FAVORABLE**

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**G. RESOLUTIONS**

- 11-R-1633 ( 1)     A **Substitute** Resolution by City Utilities Committee authorizing the Mayor, or his designee to execute a Memorandum of Understanding Agreement with the Georgia Department of Transportation for Preliminary Engineering and Construction Services for the Westside Trail Project, Phase II; and authorizing an agreement with Path Foundation, Inc., appointing PATH Foundation, Inc. to act as the City's Agent and Construction Manager for the Westside Trail Project, Phase II; and for other purposes.  
**(Councilmember Watson made motion to approve on substitute.)**

**FAVORABLE ON SUBSTITUTE**

- 11-R-1634 ( 2)     A **Substitute** Resolution by City Utilities Committee authorizing the Mayor, or his designee to execute a Memorandum of Understanding Agreement with the Georgia Department of Transportation for Preliminary Engineering and Construction Services for the Silver Comet Connector Trail Project; and authorizing an agreement with PATH Foundation, Inc., appointing PATH Foundation, Inc. to act as the City's Agent and Construction Manager for the Silver Comet Connector Trail Project; and for other purposes.  
**(Councilmember Watson made motion to approve on substitute.)**

**FAVORABLE ON SUBSTITUTE**

- 11-R-1635 ( 3)     A **Substitute** Resolution by City Utilities Committee authorizing the Mayor, or his designee to execute a Memorandum of Understanding Agreement with the Georgia Department of Transportation for Preliminary Engineering and Construction Services for the Battle of Atlanta Trail Project; and authorizing an agreement with PATH Foundation, Inc., appointing PATH Foundation, Inc. to act as the City's Agent and Construction Manager for the Battle of Atlanta Trail Project; and for other purposes.  
**(Councilmember Watson made motion to approve on substitute.)**

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**RESOLUTIONS (CONT'D)**

- 11-R-1636 ( 4)     A **Substitute** Resolution by City Utilities Committee authorizing the Mayor, or his designee to execute a Memorandum of Understanding Agreement with the Georgia Department of Transportation for Preliminary Engineering and Construction Services for the Auburn Avenue Historic & Culture Information Project; and authorizing an agreement with Atlanta Downtown Improvement District, appointing Atlanta Downtown Improvement District, to act as the City's Implementation Manager for the Auburn Avenue Historic & Culture Information Project; and for other purposes.  
**(Councilmember Watson made motion to approve on substitute.)**

**FAVORABLE ON SUBSTITUTE**

- 11-R-1637 ( 5)     A Resolution by City Utilities Committee authorizing the Mayor, or his designee, to enter into an agreement with NextG Networks of NY, Inc., a Delaware Corporation d/b/a NextG Networks East, to provide telecommunications services using public right-of-way including approved City owned streetlights and street poles; specifying the compensation due the City of Atlanta by the agreement; and for other purposes.  
**(Councilmember Willis made motion to approve.)**

**FAVORABLE**

- 11-R-1638 ( 6)     A Resolution by City Utilities Committee authorizing the Mayor, or his designee, to enter into an Encroachment Agreement between the City of Atlanta and the Buckhead Forest Civic Association, Inc., to allow for the erection and maintenance of neighborhood monuments within the public right-of-way; and for other purposes.  
**(Councilmember Watson made motion to approve.)**

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**H. PAPERS HELD IN COMMITTEE**

- 10-O-1058 ( 1)     An **Amended** Ordinance by City Utilities Committee to amend Chapter 154 (Utilities), Article III (Water), Division I (Generally) of the City of Atlanta, Code of Ordinances. for the Department of Watershed Management Bureau of Drinking Water to adjust Meter Hydrant Service and Installation Fees; and for other purposes. **(Amended and held 7/13/10) (Public Hearing held 9/21/10)**
- 10-O-1059 ( 2)     A **Substitute** Ordinance by City Utilities Committee to amend Section 173 (Charges for Sewers laid by Developer for Use of Development), Division 2 (Assessments), Chapter 154 (Utilities), Article IV (Sewer Construction and Assessments), of the City of Atlanta Code of Ordinances to increase certain fees and impose new fees for Pipe and Structural Inspection, Erosion Control and Construction Inspection, Site Plan Review, and other services; to create a new Section 318 (Application Fees), Article VII (Riparian Buffer Requirements) Chapter 74 (Environment), to impose a new fee for plan review related to Riparian Buffer authorized Encroachment Applications; to create a new Section 521 (Fees), Article X (Post Development Stormwater Management) Chapter 74 (Environment) to impose a new fee for Plan Review related to Post Development Stormwater Management; to create a new Section 208 (Fees), Article VI (Flood Area Regulations) Chapter 74 (Environment) to impose a new fee for plan review related to Flood Plain Management; to create a new Section 406 (Fees), Article VIII (Wetland Protection Regulations) Chapter 74 (Environment) to impose a new fee for plan review related to Wetlands Protection; and for other purposes. **(Held 6/29/10 for a Public Hearing) (Substituted and held 9/14/10) (Public Hearing held 9/21/10)**

**PAPERS HELD IN COMMITTEE (CONT'D)**

- 10-O-1688 ( 3)     An Ordinance by Councilmembers Ivory L. Young, Jr. and Michael J. Bond, authorizing the Mayor or his designee to abandon the portion of James P. Brawley Drive, SW located between Beckwith and Martin Luther King, Jr. Drive, SW on the east and located between Mitchell Street, SW and Beckwith Street, SW on the west and being more specifically described in Exhibit "A" and more completely described in Exhibit "B" lying and being in Land Lot 109 of the 14<sup>th</sup> District, Fulton County, Georgia; to abandon the portion of Mitchell Street, SW between James P. Brawley Drive, SW and Paschal Boulevard, SW as marked on Exhibit "A" and more completely described in Exhibit "C"; to abandon Student Nonviolent Coordinating Committee ("SNCC") Way, SW between 399.76' south of Mitchell Street, SW and Beckwith Street, SW on the west side and between Mitchell Street, SW and Beckwith Street, SW on the west side as marked on Exhibit "A" and more completely described in Exhibit "D"; and for other purposes. **(To be advertised for a Public Hearing) (Held 9/14/10 for further discussions and a Public Hearing)**
- 11-O-0080 ( 4)     An Ordinance by Councilmember Kwanza Hall authorizing the Mayor or his designee to impose a Moratorium on street name changes for six (6) months; and for other purposes. **(Held 1/14/11 at the request of the author)**
- 11-R-0088 ( 5)     A Resolution by Councilmembers Michael J. Bond, H. Lamar Willis, Aaron Watson, Ivory L. Young, Jr. and Cleta Winslow authorizing the Mayor or his designee to enter into an agreement between the City of Atlanta and the Urban Villa Neighborhood Association allowing the installation of a neighborhood sign within a certain right-of-way; and for other purposes. **(Held 1/14/11 for further review)**
- 11-O-0108 ( 6)     An Ordinance by Councilmember Michael J. Bond to designate the intersection of Atlanta Student Boulevard, SW and Walnut Street, SW, Flipper Temple AME Square; and for other purposes. **(To be advertised for a Public Hearing) (Held 2/1/11 for further discussion)**

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**PAPERS HELD IN COMMITTEE (CONT'D)**

- 11-R-1132 ( 7)     A Resolution by Councilmembers Natalyn M. Archibong, Howard Shook and Yolanda Adrean authorizing payment of stipulated penalties imposed by the Environmental Protection Agency (EPA) and the Environmental Protection Division of the Department of Natural Resources of the State of Georgia (EPD) in the amount of \$\_\_\_\_\_ as stipulated penalties for the violation of CSO Fecal Coliform Operational Standards \_\_\_\_\_ pursuant to the CSO Consent Decree, Civil Action File No. 1:95-CV-2550-TWT; to identify the source of funding; and for other purposes. **(Held 7/26/11)**
- 11-R-1510 ( 8)     A Resolution by Councilmembers Kwanza Hall, Natalyn M. Archibong and C. T. Martin **as amended by City Utilities Committee** requesting that the City of Atlanta increase the funding allocation for People TV for the operation of public access; and requesting that People TV present a Strategic Plan to City Council; and for other purposes. **(Amended and Held 11/1/11 for further review)**

**I.     REQUESTED ITEMS**

1.     Councilmember Adrean requested metrics be developed to show compliance with safety procedures. (i.e. # of incidents, % of time in compliance) - Watershed
2.     Councilmember Archibong requested the Department of Watershed to include in their Quarterly Update the number of raised valves on the manhole covers.
3.     Councilmember Archibong requested Jerry DeLoach, Director of Risk Management come back to the November 29, 2011 meeting to give an updated on the City's Risk Management Program.
4.     Councilmember Archibong made a request to start a Sidewalk Subcommittee and report back to the committee next meeting. (Councilmember Shook will chair the committee, Sally Flock and Ron Shakur volunteered.)



**REQUESTED ITEMS (CONT'D)**

5. Councilmember Archibong requested that the staff schedule visit to all of the Department of Watershed facilities.
6. Councilmember Adrean made a request to the Department of Watershed Management to include a copy of a sign-off report from the CFO on all bonds matters in required legislation.
7. Councilmember Willis requested the Department of Public Works provide answers on who and why the City would waive Encroachment Fees. Does the department know how many existing encroachments there are?
8. Councilmember Willis requested the Department of Public Works to provide data on its safety program and how the data is analyzed?

**J. ITEM NOT ON THE AGENDA**

**RESOLUTION**

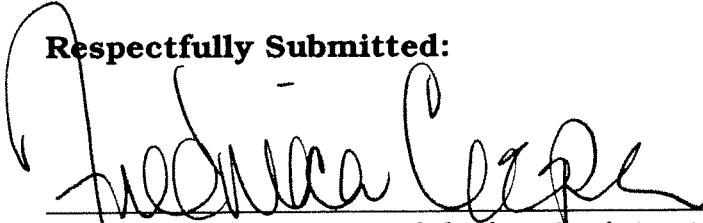
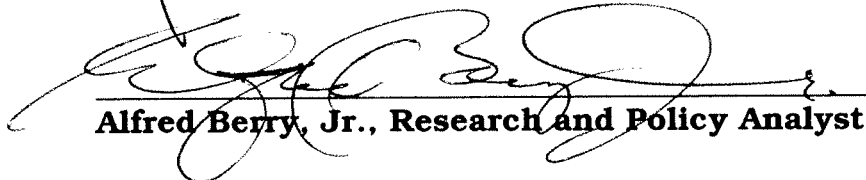
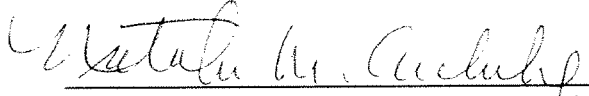
- 11-R-1687 ( 1)     A Resolution by City Utilities Committee to correct Resolution No. 11-R-1099 adopted by the City Council on August 15, 2011 and approved by the Mayor on August 24, 2011 by deleting the incorrect vendor name and inserting in lieu thereof the correct vendor name; and for other purposes.  
**(Councilmember Adrean made motion to approve.)**

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**There being no further business to come before the Committee, the meeting adjourned at 11:36 a.m.**

**Respectfully Submitted:**

  
**Fredriecca Cooper, Legislative Assistant**  
**Alfred Berry, Jr., Research and Policy Analyst**  
**The Honorable Natalyn M. Archibong, Chair**  
**City Utilities Committee**